THE HONOURABLE MS.JUSTICE G.ROHINI

W.P.NO.18508 OF 2005

Dated: 06-12-2005

Between:

Sunnam Mutyalu and another

Petitioners

And

The Revenue Divisional Officer and Special

Deputy Collector, Tribal Welfare, Paloncha, Khammam District and others

Respondents

THE HONOURABLE MS.JUSTICE G.ROHINI

W.P.NO.18508 OF 2005

ORDER:

When the vacate stay petition filed by the respondents is listed for hearing, on a request made by both the parties, the main writ petition itself is heard and decided.

The petitioners claim to be the owners and possessors of the land to an extent of Ac.16.05 cents, situated in Survey Nos.295AA/1 and 295AA/3 of Thottipampu Village, Chandragonda Mandal, Khammam District.

It is stated that they belong to Scheduled Tribe and that their title and possession in respect of the land in question was declared by the Special Deputy Collector, Tribal Welfare, Paloncha in the proceedings initiated under A.P. (Scheduled Areas) Land Transfer Regulation, 1959. Challenging the same, the fourth respondent filed C.M.A.No.63 of 1997, which was dismissed by the Agent to Government at Khammam, after hearing both the parties. The petitioners contend that they have been in continuous possession and enjoyment of the said land, however, at the instance of the 4th respondent some of the non-tribals have been interfering with their possession. Hence, they made a representation dated 21-2-2005 to the respondents 1 to 3 requesting to provide the necessary protection. However, the respondents 1 to 3 failed to respond. Hence, this writ petition.

The fourth respondent in his counter affidavit stated that in C.M.A.No.63 of 1997 it was observed by the appellate authority that the Mandal Revenue Officer has to identify the land of the fourth respondent which he purchased under a sada sale agreement in the year 1962, in Survey No.295/AA and accordingly the land in question was handed over to him under Panchanama made on 18-8-1999.

The third respondent–Sub Inspector of Police, Mulakalapalli Mandal, filed a counter affidavit stating that the petitioners never gave any representation to the third respondent seeking protection and in case there is any threat of dispossession or trespass , the third respondent would provide the necessary protection to the lands

of the petitioners.

Heard the learned counsel for both the parties. A perusal of the material on record, it is clear that there is a dispute with regard to the title and possession of the land in question between the petitioners and the fourth respondent. Such a dispute involving several disputed questions of fact cannot be enquired into by this court. However, the grievance of the petitioners in this writ petition is that the respondents 1 to 3 failed to give protection to their lands in spite of the representation made by them. The petitioners placed before this court a copy of the representation dated 7-7-2005 submitted to the Deputy Superintendent of Police wherein he made an endorsement directing the Circle Inspector to look into the matter personally and take necessary steps. The petitioners allege that in spite of the said direction by the Deputy Superintendent of Police, no steps have been taken so far to provide protection.

Having regard to the facts and circumstances, without expressing any opinion with regard to the rival claims made by the petitioners and the fourth respondent with regard to the title and possession of the land in question, I deem it appropriate to dispose of the writ petition with a direction to the respondents 1 and 2 - Revenue Officials to submit a factual report as to the possession of the land in question after affording due opportunity to the petitioners as well as the fourth respondent. Such report shall be submitted to the third respondent within a period of four weeks from the date of receipt of this order. Thereafter, basing on the said report, the third respondent shall take the necessary action in accordance with law on the representation of the petitioners dated 07-07-2005.

The writ petition is accordingly disposed of. No order as to costs.

06-12-2005

Stp